

REMARKS

Claims 1-27 and 29-46 are pending in this application. Claim 28 has been cancelled. Claims 31-46 have been withdrawn.

Claims 11, 23, 25, and 27 have been amended. These amendments are supported by page 26, lines 3-10 and Figs. 40 and 41 of the translation of Applicant's priority document filed herewith.

All of the claims have been rejected over Nakazawa of record, either directly under 35 U.S.C. § 102(a) or in combination with other art under 35 U.S.C. § 103(a).

It is respectfully submitted there these rejections must fail since Nakazawa is not statutory prior art under 35 U.S.C. § 102, for the following reasons:

Applicant's present U.S. application was filed in the United States on November 20, 2003 claiming priority under the Paris Convention of Japanese Application No. 2002-338573 which was filed on November 21, 2002. All of the original and amended claims now pending are supported by the specification of Japanese Application No. 2002-338573 as evidenced by the English Translation of that application filed herewith.

Nakazawa, however, was filed December 19, 2002 and published on June 26, 2003 which are later than the priority date of November 21, 2003. Therefore, Nakazawa cannot be applied against Applicant's claims under either 35 U.S.C. § 102 or 35 U.S.C. § 103. As a result, Nakazawa cannot be applied as anticipatory nor can it be applied as a basis for determining obviousness of Applicant's pending claims.

In view of the foregoing amendments, remarks, and English translation of the priority document, reconsideration and allowance of claims 1-27, 29, and 30 as originally presented or amended are requested.


It is noted that the Examiner has not indicated approval of the drawings. Such approval is requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Terrell C. Birch (#19,382) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or to credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Dated: December 26, 2006

Respectfully submitted,

By 
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Attachments: Translation of priority document - JP 2002-338573